

IN THE
INDIANA SUPREME COURT

IN THE MATTER OF REQUEST FOR)	
APPROVAL OF LOCAL RULES FOR)	CASE NO.
COURTS OF RECORD IN JASPER)	
COUNTY)	

O R D E R

The Judges of the Courts of record of Jasper County have decided to adopt or amend the local rules indicated below and request Supreme Court approval for the following local rules or amendments:

1. Special judge selection pursuant to Trial Rule 79(H);
2. Reassignment of criminal cases pursuant to Criminal Rule 2.2;
3. Court reporter services pursuant to Administrative Rule 15;
4. XX Caseload allocation pursuant to Administrative Rule 1(E).

_____ The local rule indicated above has been published for comment pursuant to the schedule established by T.R. 81(B) for not less than 30 days.

Accordingly, the Judges of record of Jasper County request approval of these local rules or amendments.

Submitted this _____ day of May, 2008.

For the Courts of Record of Jasper County

James R. Ahler /s/

John D. Potter /s/

James R. Ahler, Judge
Jasper Superior Court

John D. Potter, Judge
Jasper Circuit Court

STATE OF INDIANA – COUNTY OF JASPER
IN THE JASPER CIRCUIT AND SUPERIOR COURTS

**Notice of Proposed Amendment of Local Rule for a Caseload Allocation Plan
for the Courts of Record of Jasper County
June 1, 2008**

In accordance with Administrative Rule 1(E) of the Indiana Court Rules, the Jasper Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule setting forth the caseload allocation plan for the courts of record of Jasper County, effective January 1, 2009. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Local Rules for caseload allocation plans pursuant to Admin. R. 1(E) require Supreme Court approval and may not take effect until approved by the Supreme Court.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on June 1, 2008, and shall close on June 30, 2008. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2008, and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2008.

Comments by the bar and the public should be made in writing and mailed to:

Hon. John D. Potter, Judge of the Jasper Circuit Court, Attn: Public Comment on Local Rules,
Jasper County Courthouse, 115 W. Washington Street, Rensselaer, Indiana.

A paper copy of the proposed local rule for Caseload Allocation Plan will be made available for viewing in the office of the Clerk of Jasper County, Jasper County Courthouse, 115 W. Washington Street, Rensselaer, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

<http://www.jaspercounty.org/clerk> or <http://www.in.gov/judiciary/rules/local>

John D. Potter /s/

John D. Potter, Judge
Jasper Circuit Court

James R. Ahler /s/

James R. Ahler, Judge
Jasper Superior Court

Amended 2008
**LOCAL COURT RULES
FOR
JASPER CIRCUIT COURT
AND
JASPER SUPERIOR COURT**

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LR37-AR00-01**Decorum**

A. The ethics and the professionalism of the practice of law require that counsel rise when the Judge enters or leaves the Courtroom.

B. There shall be no smoking or use of any tobacco products in the Courtroom, jury rooms, corridors, restrooms, chambers, offices or conference rooms.

C. The dignity of the Court is to be maintained and preserved at all times. The Court will require proper decorum and dress of all counsel and of all persons entering the courtroom. Gentlemen attorneys shall wear jackets and ties at all times. Female attorneys shall dress appropriately and professionally at all times as well.

D. Counsel for the State of Indiana, the plaintiff or the petitioner shall occupy the counsel table to their left as they are facing the bench. Counsel for the defendant or respondent shall occupy the counsel table to their right as they are facing the bench.

E. All counsel shall ask for leave of Court prior to approaching the bench or a witness.

F. Cellular Telephones (cell phones), personal data assistants (PDAs) and other personal electronic / hand-held devices are not permitted in the Jasper Circuit or Jasper Superior Courts.

LR37-AR00-02**Withdrawal of Original Court Files
or Law Library Items**

A. No person shall withdraw any original pleading, paper, record, model or exhibit from the custody of the Clerk or other officer of the Jasper Circuit or Jasper Superior Court having custody thereof without first obtaining leave from either Court or the Clerk of the Court.

B. No person shall remove any books from the Jasper Circuit or Jasper Superior Court, either Judge's chambers or the county law library without first notifying the Bailiff or other Court staff and leaving a proper receipt with the Bailiff or other Court staff.

LR37-AR01-03

Judges Sitting in Either Court

A. The Judge of the Jasper Circuit Court hereby consents and authorizes ~~pursuant to Ind. Code § 35-5-9.5-10~~, the Judge of the Jasper Superior Court to sit as Judge of the Jasper Circuit Court, at any time, in any case, for purposes of judicial economy, expediency or other good cause.

B. The Judge of the Jasper Superior Court hereby consents and authorizes ~~pursuant to Ind. Code § 35-5-9.5-10~~, the Judge of the Jasper Circuit Court to sit as Judge of the Jasper Superior Court, at any time, in any case, for purposes of judicial economy, expediency or other good cause.

LR37-AR00-04

Case Allocation

~~A. The Clerk of the Jasper Circuit and Superior Court shall assign all misdemeanor (CM), felony (FA, FB, FC, FD) and murder (MR) cases by date of occurrence as follows:~~

~~1. All cases involving charges which occurred on odd numbered days of the calendar year shall be filed in the Jasper Superior Court.~~

~~2. All cases involving charges which occurred on even numbered days of the calendar year shall be filed in the Jasper Circuit Court.~~

~~B. In the event that a person charged with a misdemeanor (CM), felony (FA, FC, FD) or murder (MR) charge already has another misdemeanor, felony or murder charge pending in either the Jasper Circuit Court or the Jasper Superior Court which has not yet reached a conclusion on the merits, the Clerk may assign that case to the Court wherein the other case is already pending regardless of the date of the offense.~~

~~C. The Judge of either the Jasper Circuit Court or the Jasper Superior Court may also transfer a case to the other Court if a person charged with a misdemeanor, felony or murder charge already has another misdemeanor (CM), felony (FA, FB, FC, FD) or murder (MR) charge pending in either the other Court which has not yet reached a conclusion on the merits.~~

~~D. All infractions (IF) shall be filed in the Jasper Circuit Court.~~

~~E. All Post Conviction Relief Petitions (PC) shall be assigned to the Court in which the judgment of conviction was entered. The Clerk shall assign the Post Conviction Relief Petition a new "PC" cause number and also consolidate the previous cause in which the judgment of conviction was entered with the new cause.~~

A. All Capital Murder Cases (LP/DP) shall be filed in the Jasper Circuit Court.

B. All Murder (MR), Felony (CF), Class A Felony (FA), Class B Felony (FB), Class C Felony (FC) and Class D Felony (FD) cases shall be filed as follows:

1. All cases involving charges which occurred on odd numbered days of the calendar year shall be filed in the Jasper Superior Court.

2. All cases involving charges which occurred on even numbered days of the calendar year shall be filed in the Jasper Circuit Court.

3. For purposes of judicial economy, notwithstanding this rule, a felony or murder case may be filed in the Jasper Circuit or Jasper Superior Court without regard for the date of the offense if the named defendant already has pending felony charges in either the Jasper Circuit or Jasper Superior Court which have not yet reached a conclusion on the merits.

C. All Criminal Misdemeanor cases (CM) shall be filed in the Jasper Superior Court except as noted below:

1. For purposes of judicial economy, notwithstanding this rule, a Criminal Misdemeanor (CM) may be filed in the Jasper Circuit Court if the named defendant already has pending felony charges in the Jasper Circuit which has not yet reached a conclusion on the merits.

2. Any Criminal Misdemeanor (CM) case where the defendant was summonsed to court by a Uniform Complaint and Summons, electronic or otherwise, and not arrested for the misdemeanor offense shall be filed in the Jasper Circuit Court with the Infractions (IF) pursuant to sub-part D of this rule.

D. All Infractions (IF) shall be filed in the Jasper Circuit Court.

E. All Small Claims (SC) shall be filed in the Jasper Circuit Court.

F. All Post Conviction Relief Petitions (PC) shall be assigned to the Court in which the judgment of conviction was entered. The Clerk shall assign the Post Conviction Relief Petition a new “PC” cause number and also consolidate the previous cause in which the judgment of conviction was entered with the new cause.

G. All juvenile cases (JC, JD, JS, JP, JM, JT), pursuant to statute and this rule shall be filed in the Jasper Circuit Court.

H. The Judges of Jasper Superior Court and the Jasper Circuit Court may transfer cases from either Court in order to comply with this Local Rule.

LR37-TR79-05 Appointment of Special Judge in Civil Cases

A. In the event of a recusal or disqualification of the Judge of the Jasper Circuit Court or the Jasper Superior Court under Trial Rule 79(C) of the Indiana Rules of Procedure, and a Special Judge is not qualified pursuant to Trial Rule 79(D) or 79 (E), then the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

B. In the event that a motion for change of judge is granted pursuant to Trial Rule 76(B), and a Special Judge is not qualified pursuant to Trial Rule 79(F) of the Indiana Rules of Procedure, the assignment and selection of a Special Judge shall proceed according to the provisions of sub-part C of this local rule.

C. Assignment of Special Judge

1. The Judge of the Jasper Circuit Court shall be appointed as Special Judge for all cases originating in Jasper Superior Court. If the Judge of the Jasper Circuit Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

2. The Judge of the Jasper Superior Court shall be appointed as Special Judge for all cases originating in the Jasper Circuit Court. If the Judge of the Jasper Superior

Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

D. In the event no Special Judge qualifies under sup-part C of this rule, the Court shall appoint on a rotating basis from the following list of Judges who have agreed to serve as a Special Judge in the Jasper Circuit and Jasper Superior Courts:

- The Judge of the Newton Circuit Court
- The Judge of the Newton Superior Court
- The Judge of the Benton Circuit Court
- The Judge of the White Circuit Court
- The Judge of the White Superior Court

E. In the event that no Special Judge qualifies or is available for appointment, or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court pursuant to Trial Rule 79(H)(3) by written certification to appoint a Special Judge.

LR37-CR2.2-06 Appointment of Special Judge in Criminal Cases

A. In the event of a recusal or disqualification of the Judge of the Jasper Circuit Court or the Jasper Superior Court in a criminal, infraction or ordinance violation, the assignment and selection of a Special Judge shall proceed pursuant to sub-part C of this local rule.

B. In the event of the granting of a motion to change judge or a change of judge pursuant to other Indiana Statue or Rule of Court in a criminal, infraction, ordinance violation, or post-conviction proceeding, the assignment and selection of a Special Judge shall proceed pursuant to sub-part C of this local rule.

C. Assignment of Special Judge

1. The Judge of the Jasper Circuit Court shall be appointed as Special Judge for all cases originating in Jasper Superior Court. If the Judge of the Jasper Circuit Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

2. The Judge of the Jasper Superior Court shall be appointed as Special Judge for all cases originating in the Jasper Circuit Court. If the Judge of the Jasper Superior Court fails to qualify as Special Judge then selection of the Special Judge shall proceed pursuant to sub-part D of this local rule.

D. In the event no Special Judge qualifies under sup-part C of this rule, the Court shall appoint on a rotating basis from the following list of Judges who have agreed to serve as a Special Judge in the Jasper Circuit or Jasper Superior Courts:

- The Judge of the Newton Circuit Court
- The Judge of the Newton Superior Court
- The Judge of the Benton Circuit Court
- The Judge of the White Circuit Court
- The Judge of the White Superior Court

E. In the event that no Special Judge qualifies or is available for appointment, or the particular circumstances in a case warrant the selection of a Special Judge by the Indiana Supreme Court, the Court shall request the Indiana Supreme Court by written certification to appoint a Special Judge.

A. DEFINITIONS. The following definitions shall apply under this local rule:

1. A court reporter is a person who is specifically designated by a court to perform the official court reporting services for the court, including preparing a transcript of the record.
2. Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
3. Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to, actual space in the courtroom and any designated office space.
4. Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
5. Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 75.
6. Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county, but remain the same for each work week.
7. Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
8. Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
9. Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Jasper County.

10. County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
11. State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
12. Private transcript means a transcript, including but not limited to, a deposition transcript that is paid for by a private party.

B. SALARY

1. The court reporters of said courts shall be paid an annual salary for time spent working under the control, direction, and direct supervision of the court during any regular work hours or overtime hours.

C. TRANSCRIPTS

1. All transcripts required by law to be prepared by the court reporters shall be prepared during regular work hours, when possible, but only after all other of the court reporters' duties necessary for operation of the court are completed.

D. INDIGENT TRANSCRIPTS

1. A maximum per page fee for county indigent transcripts shall be set at \$4.00 per page. The court reporters shall submit a claim directly to the county auditor for the preparation of county indigent transcripts.
2. A maximum per page fee for state indigent transcripts shall be set at \$4.00 per page. The court reporters shall submit a claim directly to the auditor of the State of Indiana for the preparation of state indigent transcripts.
3. A maximum per page fee for expedited transcripts shall be set at \$7.50 per page.
4. A maximum per page fee for copies of transcripts shall be set at \$1.50 per page.

5. A maximum fee of \$0.25 per page for photocopies of exhibits, pleadings, or documents other than transcripts.

E. PRIVATE TRANSCRIPTS

1. A maximum per page fee for private transcript work shall be set at \$4.00 per page.
2. A maximum per page fee for depositions shall be set at \$4.00 per page, in addition to a recording charge.
3. A maximum per page fee for expedited transcripts shall be set at \$7.50 per page.
4. A maximum per page fee for copies of transcripts/depositions shall be set at \$1.50 per page.
5. A maximum fee of \$0.25 per page for photocopies of exhibits, pleadings, or documents other than transcripts.

F. DEPOSITIONS

1. A court reporter may engage in the private practice of recording depositions and/or preparing deposition transcripts; however, such private practice shall be conducted outside of the court reporter's regular work hours. Upon agreement of the court, the court reporter may utilize court equipment, work space, and/or supplies in said private practice; however, the court reporter shall reimburse the court, on a quarterly basis, at the rate of \$0.50 per page for the use of said equipment, work space, and/or supplies.
2. A daily log sheet shall be maintained by the court reporters, which shall reflect the number of deposition transcript pages completed. The court reporters shall submit their daily log sheets to the respective courts on a quarterly basis.

G. FEE FOR SUPPLIES

1. A standard supply fee of \$10.00 shall be charged by the court reporter for each transcript to cover supplies, i.e. binders and C.D.s, and said fee shall be

paid to the Auditor of Jasper County, and shall be credited to the office supply budget of the Court.

H. ANNUAL REPORT

1. The court reporters shall report on an annual basis to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees received by the court reporter, whether for county indigent transcripts, state indigent transcripts, or private transcripts or depositions.

A. The unified bond schedule, as set forth in this rule, for the Jasper Circuit and Jasper Superior Court shall be used for persons arrested without a warrant on misdemeanor charges and held in custody concerning a misdemeanor charge in either Court.

B. Bond shall be \$10,000 surety or \$1,000.00 cash (10% cash deposit) for the following misdemeanor offenses involving alcohol or marijuana:

1. Operating While Intoxicated;
2. Operating While Intoxicated Endangering a Person
3. Public Intoxication;
4. Possession of Marijuana;
5. Illegal Consumption or Possession of an Alcoholic Beverage;
6. Operating a Vehicle with an ACE of .08 or more;
7. Operating a Vehicle with an ACE of .15 or more; or
8. Any other misdemeanor offense involving the illegal possession of a controlled substance or the use of alcohol or controlled substance while operating a motor vehicle.

C. Bond shall be \$7,000.00 surety or \$750.00 cash for a Class A Misdemeanor.

D. Bond shall be \$6,000.00 surety or \$650.00 cash for a Class B Misdemeanor.

E. Bond shall be \$5,000.00 surety or \$550.00 cash for a Class C Misdemeanor.

F. There shall be no unified cash bond schedule for any offense charged as murder, or any class of felony.

LR37-FL00-09 Family Law Court Procedure

A. In any dissolution of marriage, paternity, custody, support or visitation action or in an action to modify any prior order in any of those actions in the Jasper Circuit or Superior Courts, all parties or their attorneys shall be required to request and to attend a Case Management Conference prior to the setting of any contested final hearing if:

- (1) there are contested issues involving the custody of children;
- (2) there are contested issues involving the supervision of visitation; or

(3) there are contested issues involving the division of substantial marital property.

B. At the Case Management Conference, the Court may order the parties to:

(1) attend and complete a form of alternative dispute resolution including mediation;

(2) exchange and disclose assets on disclosure forms provided by the Court;

(3) participate in a home study, custody evaluation or other similar process to aid the Court in determining and deciding any contested issues;

(4) conduct discovery in a particular manner or within a particular time frame;

(5) require the parties and their counsel to attend a settlement conference;

(6) acquire appraisals or other valuations of personal and real property to aid the Court in determining and deciding any contested property issues; or

(7) follow any other reasonable order designed to facilitate the resolution of the action, to facilitate an orderly trial of the contested action, or to manage pre-trial procedures.

C. The Judges of the Jasper Circuit or Superior Courts may waive any provision of this rule upon good cause shown in a verified, written pleading.

LR37-JR4-10 Jury Selection

The Circuit Court and the Superior Court of Jasper County hereby adopt the “Two Tier Notice and Summons” approach for notice and selection for jury pool and summons for jury service pursuant to Indiana Jury Rule 4(b).

LR37-TR00-11 Limits on Written Interrogatories

A. Interrogatories requiring written answers shall be limited to a total of thirty five (35), including sub-parts requiring discrete answers, and shall not be used as the substitute for the taking of a deposition.

B. For good cause shown and upon leave of the Jasper Circuit or Jasper Superior Court first obtained, additional interrogatories may be propounded.

C. The Jasper Circuit Court and the Jasper Superior Court shall enforce this rule according to the provisions of Trial Rules 26-37 of the Indiana Rules of Procedure.

LR37-AR00-12 Examination of Witnesses and Jurors

A. In the examination of witnesses in any hearing or in a bench or jury trial, and in the examination of prospective jurors on *voir dire* in jury trials, one attorney for each party to the matter being heard, and only one party, shall conduct the entire examination of each individual witness including direct, cross or any other examination, and of each prospective jury panel. The Court may grant leave, upon request, allowing separate co-counsel to conduct direct and cross-examination so long as one attorney, and only one attorney, shall be designated and heard as to objections and offers to prove.

B. That attorney shall make all of the objections, offers to prove, strikes or other necessary motions which are made during the examination of that witness or jury panel.

C. One attorney at a time and only one will be recognized by the Court.

D. Counsel may alternate in examining different witnesses or prospective jury panels.

E. All counsel shall request leave of Court before approaching a witness on the witness stand.

LR37-AR00-13 Miscellaneous Court Fee Matters

A. The Jasper Circuit Court Probation Department, under the supervision of the Jasper Circuit Court Judge shall set and establish a set of fees for services provided to juveniles, including but not limited to:

1. Juvenile alcohol education programs;
2. Juvenile community service programs;
3. Juvenile education or treatment programs; and

4. Any other program or service provided for juveniles.

B. The Jasper Circuit Court and the Jasper Superior Court shall assess the maximum allowable public defender fee authorized by statute to indigent defendants in misdemeanor, felony and murder cases to be paid to the Clerk of the Courts and placed into the supplemental public defender's fund. At the time of the adoption of this rule, the fees are \$50.00 for a misdemeanor (MC) and \$100.00 for a felony (FA, FB, FC, FD) or murder (MR) case.

C. In all juvenile cases (JC, JS, JD, JM, JT, JP) the maximum allowable public defender fee to be charged by the Jasper Circuit or Jasper Superior Court shall be the equivalent of the maximum misdemeanor public defender fee allowed by state statute.

D. In any other case where a public defender is appointed, the maximum allowable public defender fee to be charged by the Jasper Circuit or Jasper Superior Court shall be the equivalent of the maximum misdemeanor public defender fee allowed by state statute.

E. In any case in the Jasper Circuit or Jasper Superior Court in which a guardian *ad litem* or court appointed special advocate is appointed as required by law, the Judge of the Court shall assess a user fee pursuant to statute (Ind. Code § 31-40-3-1) not to exceed the maximum amount allowed by statute or \$100.00 (the maximum amount allowed by Ind. Code § 31-40-3-1 as of adoption of this rule) whichever is greater.

F. In any civil case where a party requests the appointment of a guardian *ad litem*, and said appointment is discretionary, the Court shall first hold a hearing or conference to determine the method of payment for the guardian *ad litem*.

G. Notwithstanding any other provision of this rule, the Court may, after determining the financial means of any person appointed a public defender or guardian *ad litem*, require the person to pay back all or part of the fees incurred upon by the Court and the County after giving the person notice and opportunity to be heard.

LR37-AR00-14 Indigent Attorney Fees

A. The Jasper Circuit and Superior Courts, as necessary because of conflicts of interest, multiple co-defendants, issues of qualifications or other good cause, may appoint

attorneys to represent indigent persons other than those attorneys with whom Jasper County contracts as part-time public defenders.

B. In the event of the appointment of an attorney under sub-part A, by the Jasper Circuit Court or the Jasper Superior Court in any criminal, civil, juvenile, appellate or other cause, the attorney shall be compensated at an hourly rate no less than seventy-five percent (75%) of the hourly rate set by Indiana Criminal Procedure Rule 24(C) for the representation of indigent defendants in capital cases.

LR37-AR00-15 Alcohol and Drug Program Fees

A. All persons directed to participate in the Jasper Circuit or Jasper Superior Court certified alcohol and drug court program shall pay a program fee of \$375.00 or seventy five percent (75%) of the highest allowable charge pursuant to Indiana Law for court certified alcohol and drug programs, whichever is greater commencing July 1, 2007.

B. All persons directed to participate in the Jasper Circuit or Jasper Superior Court certified alcohol and drug court program shall pay a program fee of \$365.00 up and until June 30, 2007.

C. All persons directed to participate in the Jasper Circuit or Jasper Superior Court certified alcohol and drug court program, but who elect to complete counseling through another court certified program in their home county, shall pay a tracking fee of fifty dollars (\$50.00) for in-state programs and a tracking fee of one hundred dollars (\$100.00) for out-of-state programs.

